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BRACEWELL & PATTERSON LLP  
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**MAILED**

**AUG 02 2012**

**OFFICE OF PETITIONS**

In re Application of	:	
Cohn et al.	:	
Application Number: 08/364,334	:	ON PETITION
Filing Date: 12/27/1994	:	
Attorney Docket Number:	:	
UK993044	:	

This is a decision in response to the petition under 37 CFR 1.137(b) filed on June 15, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on July 11, 2000, for failure to submit the issue fee in response to the Notice of Allowance and Issue Fee Due mailed on April 10, 2000, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on August 25, 2000.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.<sup>1</sup>

The terminal disclaimer filed on June 15, 2012, under 37 CFR 1.137(c) has been entered and made of record. Effective September 8, 2000, 37 CFR 1.137(c)(1) has been added to state that a terminal disclaimer filed pursuant to this rule must dedicate to the public a terminal part of the term of any patent granted thereon equivalent to the lesser of: 1) the period of abandonment of the application; or 2) the period extending beyond twenty years from the date on which the application for patent

<sup>1</sup> See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office).

was filed in the United States, or, if the application contains a specific reference to an earlier filed application(s) under 35 U.S.C. 120, 121, or 365(c).<sup>2</sup> Accordingly, the period of the terminal disclaimer filed on June 15, 2012, will be equivalent to the lesser period (1) or (2), as noted above, for this application.

The application is referred to the Office of Data Management for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

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<sup>2</sup> 65 Fed. Reg. 54,674 (2000).